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**BEFORE THE
STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2014-19

DEFAULT DECISION AND ORDER

PATRICK WILLIAM LOCKARD
4121 Oakmont Rd.
Shingle Springs, CA 95682

[Gov. Code, §11520]

Applicator License No. RA 51362

Respondent.

FINDINGS OF FACT

1. On or about September 26, 2013, Complainant Susan Saylor, in her official capacity as the Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer Affairs, filed Accusation No. 2014-19 against Patrick William Lockard (Respondent) before the Structural Pest Control Board. (Accusation attached as Exhibit A.)

1 2. On or about September 28, 2010, the Structural Pest Control Board (Board) issued
2 Applicator License No. RA 51362 to Respondent. The Applicator License was in full force and
3 effect at all times relevant to the charges brought in Accusation No. 2014-19 and expired on
4 September 28, 2013, unless renewed. This lapse in licensure, however, pursuant to Business and
5 Professions Code section 118(b) does not deprive the Board of its authority to institute or
6 continue this disciplinary proceeding.

7 3. On or about October 21, 2013, Respondent was served by Certified and First Class
8 Mail copies of the Accusation No. 2014-19, Statement to Respondent, Notice of Defense, Request
9 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
10 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
11 section 136, is required to be reported and maintained with the Board. Respondent's address of
12 record was and is:

13 4121 Oakmont Rd.
14 Shingle Springs, CA 95682

15 4. Service of the Accusation was effective as a matter of law under the provisions of
16 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
17 124.

18 5. On or about October 29, 2013, the Certified Mail Receipt for the aforementioned
19 documents was returned by the U.S. Postal Service bearing a signature. On or about October 29,
20 2013, Respondent telephoned Deputy Attorney General Kristina T. Jansen and stated he had
21 received the documents, he did not want to keep his license, and intended to default.

22 6. Government Code section 11506 states, in pertinent part:

23 (c) The respondent shall be entitled to a hearing on the merits if the respondent
24 files a notice of defense, and the notice shall be deemed a specific denial of all parts
25 of the accusation not expressly admitted. Failure to file a notice of defense shall
 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
 may nevertheless grant a hearing.

26 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
27 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
28 2014-19.

1 8. California Government Code section 11520 states, in pertinent part:

2 (a) If the respondent either fails to file a notice of defense or to appear at the
3 hearing, the agency may take action based upon the respondent's express admissions
4 or upon other evidence and affidavits may be used as evidence without any notice to
5 respondent.

6 9. Pursuant to its authority under Government Code section 11520, the Board finds
7 Respondent is in default. The Board will take action without further hearing and, based on the
8 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
9 taking official notice of all the investigatory reports, exhibits and statements contained therein on
10 file at the Board's offices regarding the allegations contained in Accusation No. 2014-19, finds
11 that the charges and allegations in Accusation No. 2014-19, are separately and severally, found to
12 be true and correct by clear and convincing evidence.

13 10. Taking official notice of its own internal records, pursuant to Business and
14 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
15 and Enforcement is \$895.00 as of November 14, 2013.

15 **DETERMINATION OF ISSUES**

16 1. Based on the foregoing findings of fact, Respondent Patrick William Lockard has
17 subjected his Applicator License No. RA 51362 to discipline.

18 2. The agency has jurisdiction to adjudicate this case by default.

19 3. The Structural Pest Control Board is authorized to revoke Respondent's Applicator
20 License based upon the following violations alleged in the Accusation which are supported by the
21 evidence contained in the Default Decision Evidence Packet in this case.:

22 a. Code section 8649, conviction of a crime, in that Respondent was convicted in the El
23 Dorado County Superior Court case entitled *People v. Patrick William Lockard*, case number
24 P12CRF0485, of violating Penal Code section 243.4, subdivision (a), sexual battery by restraint, a
25 felony.

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ORDER

IT IS SO ORDERED that Applicator License No. RA 51362, heretofore issued to Respondent Patrick William Lockard, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on January 16, 2014.

It is so ORDERED December 17, 2013



FOR THE STRUCTURAL PEST CONTROL
BOARD
DEPARTMENT OF CONSUMER AFFAIRS

11216915.DOC
DOJ Matter ID:SA2013112943

Attachment:
Exhibit A: Accusation